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PATENT
0020-5328PUS1

PCT #
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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Yoshihide UENO et al. Conf.: Unknown
Appl. No.: 10/517,446 Group: Unknown
Filed: December 9, 2004 Examiner: UNASSIGNED
For: INDOLE, INDAZOLE, AND BENZAZOLE
DERIVATIVE

INFORMATION DISCLOSURE STATEMENT

(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

February 18, 2005

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☒ Copies of cited U.S. patents and patent application publications are not included. Copies of foreign patent documents and non-patent literature are included.
- b. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. ☒ **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

b. ☒ **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

English language translation of the Abstract of JP 11-255743 A and JP 8-165276 A are enclosed.

c. ☐ **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. ☒ **OTHER**

The following additional information is provided for the Examiner's consideration.

US 6,458,824 corresponds to WO 01/40182 A2 cited in the IDS filed on December 9, 2004.

US 6,310,050 corresponds to WO 00/21508 A2 cited in the IDS filed on December 9, 2004.

US 5,817,689 corresponds to WO 96/16938 A1 cited in the IDS filed on December 9, 2004.

US 5,030,640 corresponds to EP 377488 A1 cited in the IDS filed on December 9, 2004.

US 4,987,133 corresponds to EP 338352 A2 cited in the IDS filed on December 9, 2004.

Both US 4,990,509 and US 5,114,952 correspond to EP 242173 A1 cited in the IDS filed on December 9, 2004.

US 4,378,361, US 4,581,367, and US 4,647,563 all correspond to EP 8653 A1 cited in the IDS filed on December 9, 2004.

SENNITT et al. reference was cited in the specification.

The Clifton (1982) J. Med. Chem. reference is listed again as its volume number is incorrect on the form PTO-1449 filed December 9, 2004.

We also enclose copies of the references which were all cited in the International Search Report and the IDS filed on December 9, 2004. For the Examiner's convenience, we also enclose a copy of the PTO-1449 filed December 9, 2004.

FEES

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b) :
(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. *(This section is not to be used with RCE's.)*
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

- V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
b. ☐ See the statement below. No fee is required.

- VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
b. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
c. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.

- d. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

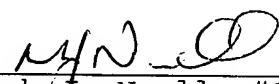
- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. This paper is submitted in triplicate.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

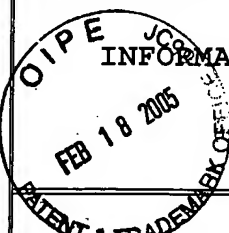
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Mark J. Nuell, #36,623

DRN/mua
0020-5328PUS1

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): ☒ PTO-1449
☒ Documents
☐ Foreign Search Report
☐ Fee
☐ Other:

Form PTO-1449				ATTY. DOCKET NO. 0020-5328PUS1		APPLICATION NO. 10/517,446			
 <p>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</p> <p>(Use several sheets if necessary)</p>				APPLICANT Yoshihide UENO et al.					
				FILING DATE December 9, 2004		GROUP			
U.S. PATENT DOCUMENTS									
EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE		
	US 6,458,824	B1	2002-10-01	Iwata et al.					
	US 6,310,050	B1	2001-10-30	Advenier et al.					
	US 5,817,689		1998-10-06	Kato et al.					
	US 5,030,640		1991-07-09	Fisher et al.					
	US 4,987,133		1991-01-22	Kurmeier et al.					
	US 4,990,509		1991-02-05	Arrowsmith et al.					
	US 5,114,952		1992-05-19	Arrowsmith et al.					
	US 4,378,361		1983-03-29	Schromm et al.					
	US 4,581,367		1986-04-08	Schromm et al.					
	US 4,647,563		1987-03-03	Schromm et al.					
FOREIGN PATENT DOCUMENTS									
	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)									
	M.V. SENNITT et al., The Journal of Pharmacology and Experimental Therapeutics, Vol. 285, No. 3, pp. 1084-1095, 1998.								
	J.E. CLIFTON et al., J. Med. Chem, Vol. 25, No. 6, pp. 670-679, 1982.								
EXAMINER					DATE CONSIDERED				
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.									



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Substitute for form 1449A/B/PTO			Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	Not Yet Assigned
			Filing Date	December 9, 2004
			First Named Inventor	Yoshihide UENO
			Art Unit	N/A
			Examiner Name	Not Yet Assigned
			Attorney Docket Number	0020-5328PUS1
Sheet	1	of	1	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AA	US-4,540,581-A	09-10-1985	Bristol-Myers Co.	
	AB	US-3,705,233-A	12-05-1972	Allen & Hanburys Ltd.	
	AC	US-2,908,691-A	10-13-1959	G.D. Searle & Co.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BA**	WO-02/64133-A1	08-22-2002			
	BB**	WO-96/16038-A1	05-30-1996			
	BC**	WO-02/74306-A1	09-26-2002			
	BD**	WO-01/40182-A2	06-07-2001			
	BE**	WO-01/17513-A2	03-15-2001			
	BF**	WO-00/21508-A2	04-20-2000			
	BG**	JP-11-255743-A	09-21-1999			
	BH**	JP-8-165276-A	06-25-1996			
	BI**	WO-96/16938-A1	06-06-1996			
	BJ**	EP-3 774 88-A1	07-11-1990			
	BK**	EP-3 383 52-A2	10-25-1989			
	BL**	EP-2 421 73-A1	10-21-1987			
	BM**	EP-8653-A1	03-19-1980			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		
	CA**	Tetrahedron Lett., (2001), 42(43), p. 7671-4		
	CB**	Chemical Abstracts, Vol. 135, abs. No. 344399, RN=371752-47-5		
	CC**	Chemical Abstracts, Vol. 132, abs. No. 152006, RN=258267-67-3		
	CD**	J. Org. Chem., (1991), 56(14), p. 4403-7		
	CE**	Chemical Abstracts, Vol. 109, abs. No. 128763		
	CF**	J. Med. Chem., (1982), 26(6), p. 670-9		
	CG**	J. Med. Chem., (1980), 23(11), p. 1268-9		
	CH**	Can. Med. Chem., (1976), 54(8), p. 1262-77		
	CI**	Chemical Abstracts, Vol. 64, abs. No. 2041e-f		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ** CITE NO.: Those document(s) which are marked with an double asterisk (**) next to the Cite No. are not supplied because they were previously cited by or submitted to the Office in a prior application relied upon in this application for an earlier filing date under 35 U.S.C. 120.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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